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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

NOTIFICATION

New Delhi, the 9th June 1967

S.O. 2014.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of an industrial dispute between the employers in relation to the Punjab Co-operative Bank Limited and their workmen which was received by the Central Government on the 15th May 1967.

BEFORE SHRI ISHWAR DAS PAWAR, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, GOVERNMENT OF INDIA, MINISTRY OF LABOUR & EMPLOYMENT, CHANDIGARH

REFERENCE No. 1/C OF 1967

In the matter of industrial dispute between the employers in relation to the Punjab Co-operative Bank Limited and their workmen.

PRESENT:

Shri Durga Das Thakpur and Shri Tek Chand—*for the workmen.*

Shri K. C. Soni—*for the management.*

AWARD

An industrial dispute having come into existence between the employers in relation to the Punjab Co-operative Bank Limited, and their workmen the following matter has been referred to this Tribunal by the Central Government in exercise of the powers conferred by Section 7A and clause (d) of Sub-Section (1)

of Section 10 of the Industrial Disputes Act, 1947, vide their letter dated 31st January, 1967, for adjudication:—

> Whether having regard to the directions contained in the Award of the National Industrial Tribunal (Bank Disputes), Bombay dated the 21st July 1962 and published with the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2603 dated the 7th August, 1962, the management of the Punjab Co-operative Bank Limited is justified in not paying bonus for the year 1963 to their workmen? If not, to what quantum of bonus are the workmen entitled?

In response to the notices issued to the parties they put in appearance and filed statements of their respective cases.

A preliminary point has been raised by the management that this reference is not competent because the appropriate Government had previously declined to refer this dispute to an Industrial Tribunal for adjudication. The representative of the workmen replied by saying that the demand was not rejected by the Government as alleged by the Management. Therefore, the following preliminary Issue was framed :—

> Whether the demand covered by the reference was rejected by the Government? If so, what is its effect?

Ext. R-1 is a letter written by the Government of India, Ministry of Labour & Employment to the General Manager, Punjab Co-operative Bank Limited, Hall Bazar, Amritsar. This letter shows that while dispute over the demand for bonus for the years 1956, 1957, 1959, 1960 and 1961 was referred to an Industrial Tribunal for adjudication it declined to refer the demand for bonus for the year 1963 for adjudication. The reason for refusal is not quite clear. It was stated that this demand was covered by the Payment of Bonus Act, 1965, and that legal remedy for the recovery of the amount of bonus was available to the workmen under the said Act. The reasons for refusal to make a reference are not quite important for our purpose.

It has been urged on behalf of the workmen that the refusal by the appropriate Government to refer a dispute for adjudication earlier does not debar the Government from making a reference subsequently and for this reliance has been placed on the authority of our own High Court reported as 1962 I LLJ 555. The observations made in this authority support this contention. But we have a later authority of our High Court reported as A.I.R. 1966 Punjab 354. It lays down that after having once declined to make a reference in regard to a certain dispute the appropriate Government cannot make a reference on reconsideration of the matter. The relevant observations made in this authority are as under:—

> "Considering the scheme, objects and purposes of the relevant provisions of the Act as a whole it appears to be clear that words "at any time" in Section 10(1) of the Act refer to a period which commences with the issue of demand notice or with any other legal steps by which the proceedings are initiated for making a reference to a Labour Court or Tribunal and which period terminates with an order of the appropriate Government either making a reference or declining to make it for any valid reason. Once the Government has arrived at and given out its decision one way or the other, Section 10(1) of the Act ceases to exist for that particular dispute or demand and with such a decision of the Government the words "at any time" contained in Section 10(1) of the Act also cease to operate."

This authority clinches the point beyond any doubt. Once the appropriate Government has taken a decision declining or making a reference in respect of a dispute it cannot reconsider the matter subsequently and then make a reference. In this case the Government had declined to make a reference on the point of payment of bonus for 1963, no reference could be made on the point subsequently. That being so the present reference is not competent, and is, therefore, rejected. There shall, however, be no order as to costs.

The 3rd May, 1967.

ISHWAR DAS PAWAR,
Presiding Officer,

[No. F. 51(48)/65-LRIV.]

S. S. SAHASRANAMAN, Under Secy.

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